

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE LICENSURE DISCIPLINE OF

RICHARD L. BUDENSIEK, DO, LICENSEE

No. 03-93-408

**STATEMENT OF CHARGES
&
INFORMAL SETTLEMENT
(combined)**

COMES NOW the Iowa Board of Medical Examiners (the Board), and Richard L. Budensiek, DO (the Licensee), and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following Statement of Charges and Informal Settlement.

STATEMENT OF CHARGES

1. The Licensee was issued license number 01854 to practice osteopathic medicine and surgery in Iowa on May 13, 1981. The license is invalid to practice due to expiration and non-renewal.

2. Over a period of approximately 6 months in mid 1991, the Licensee engaged in a consensual sexual relationship with a female patient.

3. The Board is authorized to impose discipline against the Licensee pursuant to provisions of Iowa Code sections 147.55, 147.55(4), 147.55(8), 148.6(1), 148.6(2) and 148.6(2)i, and 653 IAC 12.4, 12.4(3), 12.4(3)b, and 12.4(28) which state in whole or in part:

147.55 - Grounds. A license to practice a profession shall be revoked or suspended when the licensee is guilty of any of the following acts or offenses:

147.55(3) - ... [E]ngaging in unethical conduct ...

147.55(8) - Willful or repeated violations of the provisions of this Act.

148.6(1) - The medical examiners, after due notice and hearing in accordance with chapter 17A, may issue an order to discipline

a licensee for any of the grounds set forth in section 147.55, chapter 272C, or this subsection.

148.6(2) - Pursuant to this section, the Board of medical examiners may discipline a licensee who is guilty of any of the following acts or offenses:

148.6(2)i - Willful or repeated violation rule or regulation adopted by the board ...

653-12.4 - Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in rule 12.2, including civil penalties in an amount not to exceed \$10,000, when the board determines that the licensee is guilty of any of the following acts or offenses:

653-12.4(3) - ... [E]ngaging in unethical conduct ...

653-12.4(3)b - Engaging in unethical conduct includes, but is not limited to, a violation of the standards and principles of medical ethics and code of ethics set out in rules ... 13.11, as interpreted by the board.

653-12.4(28) - Violating any of the grounds for the revocation or suspension of a license listed in Iowa Code sections 147.55 and 148.6

INFORMAL SETTLEMENT

4. The Board has jurisdiction over the parties and subject matter herein.
5. Not more than 60 days following the date of the Board's approval of this Informal Settlement, the Licensee shall pay a civil penalty by delivering a check or money order in the amount of \$2000 to the executive director of the Board. The civil penalty shall be deposited in the state general fund.
6. The Licensee shall receive a letter of citation and warning. [copy attached]
7. This Informal Settlement constitutes the resolution of a contested case proceeding. By entering into this Informal Settlement the Licensee voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Informal Settlement.
8. This Statement of Charges and Informal Settlement is subject to approval of the Board. If the Board fails to approve this Statement of Charges and Informal Settlement, it shall be of no force or effect to either party.
9. This Statement of Charges and Informal Settlement is voluntarily submitted by the Licensee to the Board for consideration.

10. The Board's approval of this Statement of Charges and Informal Settlement shall constitute a
FINAL ORDER of the Board.

Richard L. Budensiek, DO
Richard L. Budensiek, DO, Licensee

Subscribed and sworn to before me on December 11th, 1996.
My Commission expires August 5, 1998

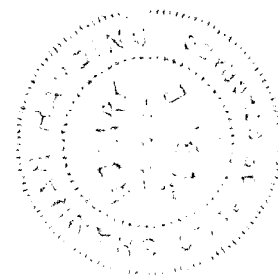
Shannon Harding
Notary Public, State of ~~Iowa~~ Colorado

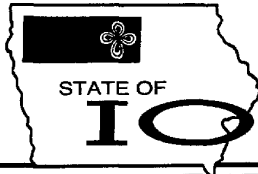
This Statement of Charges and Informal Settlement is approved by the Board on Dec. 12, 1996.

James D. Collins, Jr., MD
James D. Collins, Jr., MD, Chairperson
Iowa Board of Medical Examiners
1209 East Court Avenue
Des Moines, IA 50319-0180
Phone 515-281-5171

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TERRY E. BRANSTAD, GOVERNOR

BOARD OF MEDICAL EXAMINERS
ANN M. MARTINO, PH.D., EXECUTIVE DIRECTOR

December 17, 1996

Richard L. Budensiek, DO
2513 54th Avenue
Greeley, CO 80634

LETTER OF CITATION AND WARNING


Dear Dr. Budensiek:

On December 12, 1996, you entered into a combined Statement of Charges and Informal Settlement with the Iowa Board of Medical Examiners. The Statement of Charges alleged that you had an unethical relationship with a female patient in mid 1991. A condition of the Informal Settlement is that you receive this letter of citation and warning.

A consensual sexual relationship between a physician and a patient is unethical conduct and is a violation of Iowa law and medical practice rules and constitutes grounds for discipline against the physician's Iowa medical license. Accordingly, you are hereby **cited** for your violation of those laws and rules. Additionally, you are **warned** that any future violation may result in the revocation of your Iowa medical license.

Please take notice and govern yourself accordingly.

Sincerely,


Ann M. Martino, PhD
Executive Director
Iowa Board of Medical Examiners

c: File

DMC/* 12-17-96

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